

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Oscar A. Stanley,

Plaintiff

v.

J. Tremain, *et al.*,

Defendants

Case No. 3:21-cv-00200-LRH-CLB

ORDER GRANTING VOLUNTARY
DISMISSAL AND DENYING AS MOOT
APPLICATION TO PROCEED IN
FORMA PAUPERIS

I. DISCUSSION

Pro se Plaintiff Oscar Stanley filed an application to proceed *in forma pauperis* and submitted a civil-rights complaint under 42 U.S.C. § 1983. (ECF Nos. 1, 1-1.) In screening Stanley's Complaint, the Court dismissed it without prejudice and with leave to amend to cure deficiencies identified in the Screening Order. (ECF No. 8.) The Court gave Stanley 30 days to file his amended pleading. (*Id.* at 7.) And it deferred ruling on Stanley's application to proceed *in forma pauperis*. (*Id.*)

Stanley now files a motion for voluntary dismissal. (ECF No. 10.) Under Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." Fed. R. Civ. P. 41(a)(1)(A)(i). The Court grants Stanley's motion to voluntarily dismiss this action because no responsive pleading has been filed in this case. As such, the Court dismisses this action without prejudice. And it denies as moot Stanley's application to proceed *in forma pauperis*, which means that Stanley will not be required to pay the filing fee.

II. CONCLUSION

It is therefore ordered that Stanley's motion for voluntary dismissal (ECF No. 10) is granted.

It is further ordered that Stanley's application to proceed *in forma pauperis* (ECF No. 1) is denied as moot.

1 It is further ordered that this action is dismissed in its entirety without prejudice.

2 It is further ordered that the Clerk of the Court will close this case and enter
3 judgment accordingly.

4 Dated this 9th day of November, 2021.

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7 LARRY R. HICKS
8 UNITED STATES DISTRICT JUDGE
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